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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL ADMINISTRATION FOR EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 1037 (1996) of 15 January 1996, in which the Council requested the Secretary-General, on the completion of demilitarization of the region of Eastern Slavonia, Baranja and Western Sirmium (hereafter referred to as the region), to report monthly to the Council regarding the activities of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the implementation by the parties of the Basic Agreement of 12 November 1995 (A/50/757-S/1995/951). My most recent report on this matter was submitted to the Council on 28 August 1996 (S/1996/705).

II. POLITICAL ASPECTS

2. The normalization of relations between Croatia and the Federal Republic of Yugoslavia has allowed the process of political transition in the region to gain momentum. Various initiatives by UNTAES have sought to sustain progress in this regard. However, in conjunction with these positive steps towards reintegration, UNTAES is facing three related challenges: unwillingness to move forward on the part of some of the Serb leaders in the region, certain bureaucratic obstructions on the Croatian side and, as a consequence, a continued feeling of uncertainty among residents of the region.

3. Since its initial deployment in the region, UNTAES has performed the role of political intermediary between the local Serb authorities and the Croatian Government. By August, the reintegration process had entered a new political and administrative phase which required direct contact between the parties to resolve their outstanding differences and reduce mistrust and suspicion. The Transitional Administrator has accordingly initiated a series of direct contacts between them. While the commencement of such contacts, particularly on issues as important as the Amnesty Law, has highlighted differences between the two sides, the establishment of constructive and engaged dialogue is a positive development.

4. These meetings gave Serb representatives the opportunity to voice directly their concerns about the inadequacies of the previous Amnesty Law, and to offer comments on the draft of a revised Amnesty Law, which was subsequently amended before enactment on 20 September. The new Amnesty Law is a significant step forward and, if applied in a fair and equitable manner, should provide a positive basis for further steps towards reconciliation. Nevertheless, on the Serb side, attempts continue to be made to block practical progress in the Joint Implementation Committees and on individual projects until there is clear resolution of all outstanding matters, including the status and functions of the Serb community's joint Council of Municipalities; and the duration of the UNTAES mandate. This obstruction, by delaying the benefits of orderly integration and encouraging extremists on the other side who already point to cases of Serb intransigence, can only work to the detriment of Serbs in the region.

5. On the Croatian side, constructive and innovative initiatives by the office responsible for reintegration are being slowed down by various ministries in Zagreb. On 19 September, the Transitional Administrator met with the Croatian Prime Minister to draw his attention to some disturbing cases of inadequate cooperation, including undue delays in processing applications for Croatian citizenship and other documents. Despite the obstructionism of some Serb leaders in the region, there are many in the local population willing to cooperate with the transition process in the hope that their fears and uncertainties will be overcome during the course of the UNTAES mandate. In the document centres organized by UNTAES Civil Affairs and opened on 20 August in Beli Manastir, and now functioning also in Ilok, Vukovar, Batina and Lua, demand far exceeds processing capacity, with reports from some offices of queues of hundreds of applicants forming from the early morning hours. Approximately one third of the applicants have been Serbs, and this percentage is rising. According to figures compiled by UNTAES Civil Affairs, however, as of 30 September, out of more than 11,500 applications submitted for a variety of Croatian documents, only 2,768 documents had been received by the applicants, constituting only about one quarter of the applications.

6. The Transitional Administrator also raised the failure of the Croatian Government to honour in a timely fashion its commitments under the Agreement on Interim Co-financing of Public Services in the region, signed on 8 August 1996, to provide 4.5 million kuna per month for the financing of public services in the region. The monthly payment due on 10 September had not been received as of 1 October 1996. It will be recalled that, in its presidential statement of 15 August 1996, the Security Council noted with appreciation the conclusion of that Agreement between the Government of Croatia and UNTAES (S/PRST/1996/35).

7. The success of the market days, described in my previous report (S/1996/705, para. 22), is seen in the fact that they now draw 8,000 people each Saturday they are held. They are primarily opportunities for meetings of families and friends, and the ongoing programme of family reunions, in which over 13,000 people have participated, is evidence of a gradual improvement in individual relations between substantial numbers of Serbs and Croats. However, at some Croatian official levels and particularly among displaced persons organizations, hostile rhetoric, nationalist propaganda and mass demonstrations are poisoning the atmosphere for reconciliation among people who, at the end of the transitional period, must live in the area as equal citizens of Croatia.

While the impatience of displaced persons to return to their homes is understandable, the vociferous expression of that impatience and the unwillingness to take into account a realistic timetable for return is itself a source of local insecurity and an impediment to early return. In the course of public demonstrations, throughout September, various Croatian organizations have pressed both UNTAES and the Croatian Government to hold the elections in December 1996 and urged the early termination of the UNTAES mandate, despite the fact that the basic conditions for free and fair elections do not yet exist.

III. MILITARY ASPECTS

8. The military situation in the region has remained generally calm and stable. The UNTAES military presence continues to contribute to the maintenance of peace and security and to reassure the local population. In addition to their task of ensuring demilitarization, UNTAES military units have played an important role in the humanitarian sphere, including supervision of demining efforts, provision of medical treatment in certain cases and assistance in humanitarian relief and medical evacuations. Close air support training missions by the Implementation Force (IFOR) were successfully undertaken and scheduled training is to be doubled in October.

IV. CIVILIAN ASPECTS

9. In cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), UNTAES Civil Affairs has been making steady progress in preparing for and facilitating the return of both Croat and Serb displaced persons to their homes. The first individual returns of Serbs have already taken place. Ten persons in three families have left the region to return to Western Slavonia. The number of such returns should increase in the coming weeks as progress is made on the issuance of documents. In the four pilot villages in the southern part of the region, demining of the village centres is completed and reconstruction is well under way. The first return of Croats to these communities should occur in the next several weeks. Demining of the more populous villages in the central and northern portions of the region has been delayed as the modalities of joint Croatian-Serb demining operations, funded entirely by the Government of Croatia, were being negotiated. These modalities have now been agreed and, barring any further obstacles or changes of position by either side, demining should be under way in all the pilot communities by the first week of October. Meanwhile, concerted efforts have been undertaken to prepare these communities - particularly Bilje, Ernestinovo and Antunovac - for the demining, reconstruction and return operations to come.

10. The Joint Implementation Committee (JIC) process has recently encountered problems in some key areas. While a breakthrough was achieved in the Joint Implementation Committee on Agriculture when Croatian financing was arranged for the autumn planting, and progress has continued more or less unabated on the restoration of public services and infrastructure, there has been no progress on the transition of school curricula and post-transition employment in the health field. In view of persistent difficulties, the Transitional Administrator decided on 16 September to replace the Joint Implementation Committee on

Education with an independent body chaired by UNTAES and consisting of one expert from each side. In the public utilities subcommittees, Serb concerns about re-employment in public enterprises have emerged, despite the so far successful re-employment by INA at the Djelotovci oilfield of 65 Serbs, who have been paid Croatian salaries without incident for the past month. In addition, virtually all remaining joint implementation committees will be refocused on concrete reintegration timetables and activities. Separately, both sides have agreed to the establishment of a small senior executive group chaired by the Transitional Administrator which will meet weekly to accelerate progress in key areas.

Transitional Police Force

11. The operational effectiveness of the Transitional Police Force has shown steady improvement. Of the present strength of 1,337, 131 are Croats. An additional 70 Croats are undergoing training to join the Force. A new Transitional Police Force station has been established in Lipovac to provide confidence to returning Croat displaced persons and the Croatian Government has provided additional vehicles and other equipment to improve the ability of the Force to carry out its tasks. Cooperation between the local Serb and Croat co-commanders of the Force has continued to improve. However, some Serb members remain unwilling to participate actively in the apprehension of certain criminal elements and will not exercise their duties in relation to matters which have political implications in the region; this issue is being addressed at senior levels. The failure of the Croatian Government to provide funds from which to pay August salaries in a timely manner seriously undermined the morale and confidence that UNTAES has worked hard to engender. The salaries were eventually paid in the last week of September by using, in part, funds provided by the local Serb authorities.

Border monitoring

12. More efficient enforcement of the customs regime by the local customs authorities under the supervision of UNTAES border monitors at the eight international crossing points has seen an increase in regional revenue over the past three months from 1.6 million dinars (approximately $300,000) to 3.7 million dinars (approximately $740,000). The next step will be the introduction of Croatian laws and institutions into the international border regime. High-level technical discussions between the Croatian ministries of Finance and of the Interior, UNTAES and the local Serb authorities are ongoing with a view to the establishment of a joint customs/immigration service commencing in November.

Public affairs

13. Negotiations have been successfully completed for the expansion of UNTAES radio programming on Radio Vukovar from the present one hour to three hours daily. A mobile distribution and information office established at the weekly UNTAES market has broadened public outreach to the population on both sides. The UNTAES public affairs unit organized a series of meetings at the level of editor-in-chief and directors between the local Serb radio and television media and their Croatian counterparts. The mission also organized regular briefings

for the team from the International Tribunal for the former Yugoslavia which is conducting exhumations at the mass grave at Ovcara, and provided guidance on their contacts with Croatian, local Serb and international media.

Mass graves

14. Staff engaged by the International Tribunal for the former Yugoslavia and Physicians for Human Rights began the exhumation of the mass grave at Ovcara on 1 September. As of 21 September, they had uncovered but not yet removed between 25 and 30 bodies. By the end of the month, they intend to transport the first bodies to a facility at the University of Zagreb Faculty of Medicine for forensic examination.

V. OBSERVATIONS

15. UNTAES continues on track as the region enters a new phase of reintegration. The complex policy and administrative issues that now need to be addressed can only be resolved through direct contacts between the parties themselves. The beginning of a process of direct contact is therefore an encouraging development. This will become increasingly essential in order to reach agreement on many outstanding policy questions, including on issues which will determine when meaningful and successful elections can be held.

16. For these questions to be settled, the parties must improve their level of cooperation with UNTAES and take positive steps to foster a constructive atmosphere for further progress. On the Croatian side, this requires the prompt meeting of its financial commitments for the provision of public services in the region; substantial acceleration in the issuance of citizenship documents; and a clear information campaign aimed at explaining to its citizens the remaining steps required for a successful reintegration of the region and its population into Croatia. I am concerned by the unwillingness of the Government of Croatia to take steps to inform its population fully of the obligations it assumed when signing the Basic Agreement with regard to the UNTAES mandate, including the rights of residents of the region, and by the fact that unrealistic demands by politically active groups are left unchallenged by government officials. I urge the Government to take more energetic steps to foster a political and public atmosphere conducive to confidence-building and, consequently, to the fulfilment of the UNTAES mandate.

17. On the Serb side, obstructionist attitudes of some hardline elements in the local leadership are squandering opportunities to secure firm commitments for job security, economic development, the orderly return of Croat displaced persons, the long-term protection of human rights and the preservation of the multi-ethnic character of the region. Those who seek to slow down the pace of reintegration should be aware that a substantial lack of cooperation by either party could lead to the early termination of the United Nations Transitional Administration of the region. The wisest course for those who have taken on the responsibility of leading their people is full cooperation with UNTAES and constructive engagement with the Government of Croatia.